

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Trustees of the District Council No. 9 Painting Industry Insurance Fund and
Trustees of the District Council No. 9 Painting Industry Annuity Fund and
District Council No. 9 International Union of Painters and Allied
Trades, A.F.L.-C.I.O.

DEFENDANTS

A Plus Painting Inc. a/k/a A Plus Painting & Construction

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Lauren Kugielska

Barnes, Iaccarino & Shepherd, LLP

258 Saw Mill River Rd., Elmsford, NY 10523 (914) 592-1515

ATTORNEYS (IF KNOWN)

U/K

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

§ 9 of the Federal Arbitration Act , 9 U.S.C. § 9, and § 301 of the Labor Management Relations Act ("LMRA" or "§ 301"), 29 U.S.C. § 185

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	28 USC 158	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	REAPPORTIONMENT
<input type="checkbox"/> 150 INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 690 OTHER		<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 151 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT			<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 152 OVERPAYMENT &	EMPLOYERS'	LIABILITY	PROPERTY RIGHTS		<input type="checkbox"/> 450 COMMERCE
ENFORCEMENT	LIABILITY		<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 880 DEFEND TRADE SECRETS ACT	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY	<input type="checkbox"/> 830 PATENT		<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
DEFAULTED	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 840 TRADEMARK		ORGANIZATION ACT
STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE			SOCIAL SECURITY	(RICO)
(EXCL VETERANS)	<input type="checkbox"/> 355 MOTOR VEHICLE			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 153 RECOVERY OF	PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 485 TELEPHONE CONSUMER
OVERPAYMENT	<input type="checkbox"/> 360 OTHER PERSONAL	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	PROTECTION ACT
OF VETERAN'S	INJURY	<input type="checkbox"/> 385 PROPERTY DAMAGE	STANDARDS ACT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 490 CABLE/SATELLITE TV
BENEFITS	<input type="checkbox"/> 362 PERSONAL INJURY -	PRODUCT LIABILITY	<input checked="" type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 850 SECURITIES/
STOCKHOLDERS	MED MALPRACTICE		RELATIONS		COMMODITIES/
SUITS		PRISONER PETITIONS	<input type="checkbox"/> 740 RAILWAY LABOR ACT		EXCHANGE
<input type="checkbox"/> 190 OTHER	ACTIONS UNDER STATUTES	<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 751 FAMILY MEDICAL	FEDERAL TAX SUITS	<input type="checkbox"/> 890 OTHER STATUTORY
CONTRACT	CIVIL RIGHTS	<input type="checkbox"/> 510 MOTIONS TO	LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	ACTIONS
PRODUCT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	VACATE SENTENCE		Defendant)	<input type="checkbox"/> 891 AGRICULTURAL ACTS
LIABILITY	(Non-Prisoner)	28 USC 2255	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 893 ENVIRONMENTAL
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 530 HABEAS CORPUS	LITIGATION	26 USC 7609	MATTERS
	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 895 FREEDOM OF
	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 540 MANDAMUS & OTHER	SECURITY ACT (ERISA)		INFORMATION ACT
	ACCOMMODATIONS	PRISONER CIVIL RIGHTS	IMMIGRATION		<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION		<input type="checkbox"/> 899 ADMINISTRATIVE
<input type="checkbox"/> 230 RENT LEASE &	DISABILITIES -	<input type="checkbox"/> 555 PRISON CONDITION	APPLICATION		PROCEDURE ACT/REVIEW OR
EJECTMENT	EMPLOYMENT	<input type="checkbox"/> 560 CIVIL DETAINEE	<input type="checkbox"/> 465 OTHER IMMIGRATION		APPEAL OF AGENCY DECISION
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH	CONDITIONS OF CONFINEMENT	ACTIONS		<input type="checkbox"/> 950 CONSTITUTIONALITY OF
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES -OTHER				STATE STATUTES
LIABILITY	<input type="checkbox"/> 448 EDUCATION				
<input type="checkbox"/> 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Trustees of the District Council No. 9 Painting Industry Insurance Fund and Trustees of the District Council No. 9 Painting Industry Annuity Fund and District Council No. 9 International Union of Painters and Allied Trades, A.F.L.-C.I.O.

45 West 14th Street, New York, NY 10011

County of New York

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

A Plus Painting Inc. a/k/a A Plus Painting & Construction

P.O. Box 310

Colonia, New Jersey 07067

County of Middlesex

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

/s/Lauren Kugielska

DATE 1/7/2021

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)